

Town Board Minutes

July 6, 2004

Meeting No. 24

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 6th day of July 2004 at 8:00 P.M. and there were

PRESENT: DANIEL AMATURA, COUNCIL MEMBER
MARK MONTOUR, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: DONNA STEMPIAK, COUNCIL MEMBER

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
ROBERT LABENSKI, TOWN ENGINEER
RICHARD SHERWOOD, TOWN ATTORNEY
JEFFREY SIMME, BUILDING INSPECTOR
CHRISTINE FUSCO, ASSESSOR
TERRENCE McCracken, GENERAL CREW CHIEF
RICHARD REESE JR., HIGHWAY SUPERINTENDENT

EXECUTIVE SESSION:

UPON MOTION DULY MADE BY COUNCIL MEMBER AMATURA, SECONDED BY COUNCIL MEMBER MONTOUR, to deliberate in Executive Session for the announced purpose of discussing a particular personnel matter in the Building Department and pending litigation resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

At 10:05 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

PERSONS ADDRESSING TOWN BOARD:

Beutler, Daniel, 26 Tyler Street, spoke to the Town Board on the following matter:

- Comments concerning an anonymous letter he received.

Brett, James, 659 Harris Hill Road, spoke to the Town Board on the following matter:

- Asked what the proposed road width will be along the Railway Right of Way.

Chowaniec, Lee, 93 Northwood Drive, spoke to the Town Board on the following matters:

- Questions concerning the approval of the Cross Creek Subdivision and the involvement of New York State Department of Environmental Conservation.
- Positive comments about the Highway Superintendent.

Davis, Jeff, 218 Calumet Street, spoke to the Town Board on the following matters:

- Questioned where the Railway Right of Way is located.
- Thanked the board for incorporating some of his suggestions into the Ordinance Amendment regarding the Temporary Storage of Hazardous Waste.

Howell, Gary, 48 Park Blvd, spoke to the Town Board on the following matter:

- Positive comments regarding the Highway Superintendent.

Licata, Frank, 632 Pleasant View Drive, spoke to the Town Board on the following matter:

- Explained the circumstances under which he obtained fill from a Town of Lancaster project on Peppermint Road. He is pleased with the manner in which he was treated by the Highway Department.

Reese, Richard, Town of Lancaster Highway Superintendent, 2659 Wehrle Drive, read from an unsigned letter:

- Addressed unsubstantiated claims contained in a letter regarding the construction of his home and the preparation of his land.

Symer, Donald, 610 Columbia Avenue, spoke to the Town Board on the following matters:

- Questions regarding Land Title Conveyance from the Town of Lancaster to LIDA.
- Stated that he feels the Erie Lackawanna Railway Right of Way is an excellent opportunity for road access to the east from the Village of Lancaster line.

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO TO WIT:

RESOLVED, that the minutes of the Joint Meeting of the Planning Board and the Town Board held June 21, 2004 and the Regular Meeting of the Town Board held June 21, 2004 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

July 6, 2004

File: RMIN (P2)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has heretofore held a public hearing pursuant to Chapter 50-Zoning Section 20 (B) (1) (e) of the Code of the Town of Lancaster upon the application of **Monti Concrete Construction, Inc.**, for a Special Use Permit for warehousing and storage for High Density Storage System on premises located at 501 Erie Street in the Town of Lancaster, New York, and

WHEREAS, persons for and against such Special Use Permit have had an opportunity to be heard:

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to §50-20 (B) (1) (e) of the Code of the Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a Special Use Permit for warehousing and storage to **High Density Storage System** on premises locally known as 501 Erie Street, in the Town of Lancaster, New York, upon the terms and conditions as set forth in the Zoning Ordinance of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

July 6, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has heretofore held a public hearing pursuant to Chapter 50-Zoning - Section 20 (B)(1)(j) of the Code of the Town of Lancaster, upon the application of Joseph Skok, owner of **SKOK POWER SYSTEMS INC.** for a Special Use Permit for spraying of truck bed liners, a motor vehicle use, on premises located at 73 Cemetery Road in the Town of Lancaster, and

WHEREAS, persons for and against such Special Use Permit have had an opportunity to be heard;

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Chapter 50-Zoning, Section 20 (B) (1) (j), entitled “Commercial Motor Service District” of the Code of the Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a Special Use Permit to **Joseph Skok**, owner of **Skok Power Systems Inc.**, located at 73 Cemetery Road, in the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

July 6, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
MONTOUR, TO WIT:

WHEREAS, the General Crew Chief of the Parks, Recreation and Forestry Department of the Town of Lancaster, by letter dated June 21, 2004, has recommended the appointment of Janice Korzeniewski to the position of Recreation Attendant, part-time, in the Senior Citizen Center.

WHEREAS, this appointment is necessary due to the resignation of Jody Hillman.

NOW, THEREFORE, BE IT

RESOLVED, that **JANICE KORZENIEWSKI**, 7 Tanglewood Drive, Lancaster, New York 14086, be and is hereby appointed to the position of Recreation Attendant, part-time, at an hourly rate of \$9.50, effective July 7, 2004 with no benefits, and

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

July 6, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO TO WIT:

WHEREAS, the General Crew Chief, by letter dated June 25, 2004, has requested the appointment of seasonal employees in the Parks, Recreation and Forestry Department of the Town of Lancaster for the summer season of 2004.

NOW, THEREFORE, BE IT

RESOLVED, that the following individuals are hereby appointed to the position of seasonal employee for the summer season of 2004 in the Parks, Recreation and Forestry Department of the Town of Lancaster, retroactive to July 1, 2004, with no benefits at the following hourly rate:

<u>NAME</u>	<u>POSITION</u>	<u>RATE</u>
Kathryn Faul (new hire) 208 Siebert Road Lancaster, New York	Lifeguard	\$6.50 hr.
Thomas Kraus (rehire) 7 Partridge Walk Lancaster, New York	Lifeguard	\$6.50 hr.
Michael Stroka (new hire) 285 Erie Street Lancaster, New York	Lifeguard	\$6.50 hr.

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

July 6, 2004

File: Rpers.seasonal (P4)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Town of Lancaster and the Town of Lancaster Industrial Development Agency (LIDA) have discussed the conveyance of the Town owned property known as the former Erie Lackawanna Railway right-of-way which is comprised of approximately 72 acres running easterly from the boundary of the Town and Village of Lancaster to Cemetery Road, and

WHEREAS, the Town Board of the Town of Lancaster after due review and consideration deems it in the public interest to convey the subject premises to the Town of Lancaster Industrial Development Agency for the sum of \$70,000. which represents fair consideration for this former railroad right-of-way which the Lancaster Industrial Development Agency will then utilize for purposes of ingress and egress to industrially zoned property which is presently landlocked and undevelopable, and

WHEREAS, the terms of said contract provide that the Town of Lancaster reserves the right to use a portion of the said railroad right-of-way for the purpose of locating a bicycle and walking path which will be incorporated into the Lancaster Heritage Trail which is being funded by a federal grant for such use.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board in the Town of Lancaster hereby authorizes the Supervisor to execute a contract to sell such property as beforementioned and to execute a Deed conveying the property as beforementioned to the Town of Lancaster Industrial Development Agency (LIDA) together with all appurtenant documents necessary for recording of such Deed and further that the Town Attorney attend to the recording of this conveyance .

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA TO WIT:

WHEREAS, the New York State Liquor Authority requires that an establishment notify the Municipality in which they operate of an application for a liquor license thirty (30) days before it can be issued, and

WHEREAS, Timothy McGowan, Al'E-oops Restaurant, 5389 Genesee Street, Lancaster, New York has requested that the thirty (30) day statutory notification to the Town of Lancaster of an application for a liquor license to the New York State Liquor Authority be waived, and

WHEREAS, this waiver can only be granted by the Town Board in which the premises is located, and

WHEREAS, the Building Inspector, Chief of Police and the Fire Chief have stated that they have no objections to the granting of the waiver.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk is authorized to notify the State Liquor Authority that such application for this license has been received and approved by the Town Board and that the thirty (30) day notification requirement is waived by this Municipality.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

July 6, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, Paul J. Haniszewski, d/b/a Ed Henning Inc., situate at 911 Ransom Road in the Town of Lancaster, has submitted an application for a Special Use Permit for a used automobile sales business in accordance with provisions of Chapter 50-Zoning, Section 25 (B)(1) (b) of the Code of the Town of Lancaster;

WHEREAS, §50-46 of the Zoning Code of the Town of Lancaster requires that the Town Board conduct public hearings before the issuance of a special use permit for a use as proposed;

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Chapter 50-Zoning, Section 25 (B) (1) (b), entitled “General Industrial District (GI)” of the Code of the Town of Lancaster, a Public Hearing on the proposed Special Use Permit for a used automobile sales business on premises locally known as 911 Ransom Road in the Town of Lancaster, New York, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 19th day of July 2004, 8:30 o’clock P.M., Local Time, and that Notice of the time and place of such Hearing be published in the Lancaster Bee, a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board and that a copy of such Notice of Hearing be referred to the Erie County Department of Planning, pursuant to Section 239(m) of the General Municipal Law, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

July 6, 2004

**LEGAL NOTICE
PUBLIC HEARING
SPECIAL USE PERMIT - ED HENNING INC.
911 RANSOM ROAD**

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the authority set forth in Chapter 50-Zoning, Section 25 (B) (1) (b), entitled “General Industrial District (GI)” of the Code of the Town of Lancaster, and the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster adopted on the 6th day of July, 2004 the said Town Board will hold a Public Hearing on the 19th day of July, 2004, at 8:30 o’clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the application of Paul J. Haniszewski, d/b/a Ed Henning Inc., for a Special Use Permit for a used automobile sales business on premises locally known as 911 Ransom Road, Town of Lancaster, County of Erie, State of New York.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**BY: JOHANNA M. COLEMAN
Town Clerk**

July 6, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has been advised by the New York State Department of Environmental Conservation (DEC) that DEC will require that the developer of Cross Creek Subdivision located at the northwest corner of Pavement Road and Pleasantview Drive dedicate the designated wetland areas to the south of Ellicott Creek owned by the developer to either a conservation group or the Town of Lancaster, if the Town is willing to take ownership of same, and

WHEREAS, the Town Board has given due review and consideration to this matter and deems it in the public interest for the Town of Lancaster to accept the conveyance of the area at the north end of the subdivision which includes the designated wetlands south of Ellicott Creek, and

WHEREAS, DEC has requested that the Town notify DEC of its willingness to accept such dedication.

NOW, THEREFORE, BE IT

RESOLVED, that the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to notify NYS DEC and the developer, Forbes Homes, that it is willing to accept the dedication to the Town of the property at the north end of the subdivision comprising approximately 7.983 ± acres which includes the designated wetlands on the south side of Ellicott Creek adjacent to the proposed Cross Creek Subdivision.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

July 6, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA TO WIT:

WHEREAS, a Public Hearing was held on the 21st day of June, 2004, for the purpose of amending Chapter 50, “Zoning”, Section 50-25 (B) (1) General Industrial District (GI) and Section 50-20 (B) (1) (e) Commercial and Motor Service District (CMS) of the Code of the Town of Lancaster, as follows:

CHAPTER 50 - ZONING

1. Section 50-25 (B) (1) General Industrial District (GI), of Chapter 50, Zoning, of the Code of the Town of Lancaster shall be amended by adding thereto the following:

“Section 50-25. General Industrial District (GI)

.....

B. Permitted uses.

(1) Principal structures and uses.

.....

(o) Transfer storage site for the temporary storage of waste regulated by NYS DEC by DEC permitted waste transporters by Special Use Permit subject to conditions imposed by the Town Board including but not limited to the following:

- (i) Any storage or facility shall be carried out on a minimum parcel of 25 acres.
- (ii) Any such facility above mentioned shall be located a distance of at least 2000 feet from any adjacent use which is non-agricultural and non-residential in nature and shall further be at least 1000 feet removed from any dedicated highway.
- (iii) Any such facility beforementioned shall be located a distance of at least 5000 feet from any use which is residential in nature.
- (iv) Any such facility shall be located at least 2000 feet from any surface water feature such as streams or ponds.
- (v) Any area devoted to the use provided for and permitted herein shall be surrounded completely by a berm a minimum of 15 feet in height from existing ground level.

- (vi) That the site shall include a well maintained asphalt or concrete drive at least 20 feet in width, running from the nearest dedicated highway to the site and must provide sufficient access for heavy fire and rescue apparatus to all areas of said facility.
- (vii) That the site shall have access to a fully functioning fire hydrant within 50 feet of storage areas. Said fire hydrant shall be capable of supplying an adequate water supply for the purpose of fire suppression and shall be subject to acceptance and approval by the Volunteer Fire Company Chief in whose area the facility is located.
- (viii) That a lock box or keyed access to the facility be made available to all emergency response personnel.
- (ix) That the area permitted for this operation shall be limited to the use of three (3) truck docks; two for deliveries and one for placement of a transport trailer with no right of expansion. Further, the operator shall not be permitted to place more than one transport trailer on site.
- (x) That a windsock be installed on site to reflect wind direction.
- (xi) That security, monitoring and alarm devices for detecting (a) fire and/or smoke whether occasioned by a reaction due to leakage, spillage or otherwise, and (b) any unauthorized access shall be installed in the building and the storage trailer. Said security, monitoring and alarm devices in both the building and trailer to be centrally monitored twenty-four (24) hours per day, seven (7) days per week.
- (xii) That all loading docks at the building be at a height to accept deliveries from trucks and storage placement in the trailer so as to minimize the danger of falling containers.
- (xiii) That such a proposed facility shall be subject to SEQR review.
- (xiv) That a safety mechanism be installed to secure the office area and personnel from the storage area in the event of a leak or spill.
- (xv) That no washing of trailers shall be permitted on site.
- (xvi) That no wash down of the building facility shall be permitted unless all water runoff is fully contained and disposed of as directed by the Town of Lancaster's Disaster Coordinator.

- (xvii) That loading dock bumpers be installed to ensure a sealed connection between the transport and delivery trucks to the loading platform within the facility.
- (xviii) That a chain link fence with barbed wire be installed to enclose the parking area utilized by any transport vehicles and/or trailers.
- (xix) That the operator make available, in the manner best determined by the Town's Disaster Coordinator, a complete manifest of all materials present on site at all times and the exact location of such materials.
- (xx) That there be installed in any floor drains and exterior storm water drains and catch basins an absorbent material or "sponge" designed to prevent any accidental spillages from entering the drainage system.
- (xxi) That any materials independently packaged that may be reactive with each other must be stored apart from each other at distances and with additional security precautions as may be required by the NYS DOT and NYS DEC.
- (xxii) That in no event shall any hazardous materials of the following categories be permitted at this location:
 - 1) biological materials
 - 2) radioactive materials
 - 3) explosive materials
- (xxiii) That closure of such a facility shall be done by the submission of detailed plans at least ninety (90) days prior to the plan date for closure to the Town of Lancaster which plans shall include the proposed closure date of the facility and the plan for removal of materials and clean up of the site. A performance bond of one million dollars (\$1,000,000.) shall be posted upon approval of the site and shall remain in effect until such time as the Town Board is satisfied that the closure of the facility has been completed in strict conformance with the plan approved by the Town Board.

CHAPTER 50 - ZONING

- 2. Section 50-20. Commercial and Motor Service District (CMS), of Chapter 50, Zoning, of the Code of the Town of Lancaster shall be amended by adding thereto the following:

Section 50-20. Commercial and Motor Service District (CMS)

.....

B. Permitted uses.

(1) Principal structures and uses.

.....

(e) The storage as permitted in this zoning classification shall not include the storage of any waste regulated by the NYS DEC.

and persons for and against such amendments have had an opportunity to be heard, and

WHEREAS, a Notice of Public Hearing was duly published and posted, and

WHEREAS, the Town Board has recommended the proposed amendment of the Code of the Town of Lancaster, County of Erie;

**NOW, THEREFORE, BE IT
RESOLVED**, as follows:

- 1. That Section 50-25 (B) (1) General Industrial District and Section 50-20 (B) (1) (e) Commercial and Motor Service District (CMS) of Chapter 50, “Zoning”, of the Code of the Town of Lancaster, County of Erie, and State of New York, be and hereby is amended;
- 2. That said amendments be added in the minutes of the meeting of the Town Board of the Town of Lancaster held on the 6th day of July, 2004;
- 3. That a certified copy of this amendment be published in the Lancaster Bee on July 15, 2004;
- 4. That a certified copy of this Amendment be posted on the Town Bulletin Board, and
- 5. That Affidavits of Publication and Posting be filed with the Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

July 6, 2004

File: rhazardouswastestoragesite604a

**LEGAL NOTICE
NOTICE OF ADOPTION
AMENDMENT OF CHAPTER 50 - ZONING
TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN that Section 50-25 (B) (1) General Industrial District and Section 50-20 (B) (1) (e) Commercial and Motor Service District (CMS) of Chapter 50, “Zoning”, of the Code of the Town of Lancaster, be and is hereby amended as follows:

CHAPTER 50 - ZONING

1. Section 50-25 (B) (1) General Industrial District (GI)., of Chapter 50, Zoning, of the Code of the Town of Lancaster shall be amended by adding thereto the following:

“Section 50-25. General Industrial District (GI)

.....

B. Permitted uses.

(1) Principal structures and uses.

.....

(o) Transfer storage site for the temporary storage of waste regulated by NYS DEC by DEC permitted waste transporters by Special Use Permit subject to conditions imposed by the Town Board including but not limited to the following:

- (i) Any storage or facility shall be carried out on a minimum parcel of 25 acres.
- (ii) Any such facility above mentioned shall be located a distance of at least 2000 feet from any adjacent use which is non-agricultural and non-residential in nature and shall further be at least 1000 feet removed from any dedicated highway.
- (iii) Any such facility beforementioned shall be located a distance of at least 5000 feet from any use which is residential in nature.
- (iv) Any such facility shall be located at least 2000 feet from any surface water feature such as streams or ponds.
- (v) Any area devoted to the use provided for and permitted herein shall be surrounded completely by a berm a minimum of 15 feet in height from existing ground level.
- (vi) That the site shall include a well maintained asphalt or concrete drive at least 20 feet in width, running from the nearest dedicated highway to the site and must provide sufficient access for heavy fire and rescue apparatus to all areas of said facility.

- (vii) That the site shall have access to a fully functioning fire hydrant within 50 feet of storage areas. Said fire hydrant shall be capable of supplying an adequate water supply for the purpose of fire suppression and shall be subject to acceptance and approval by the Volunteer Fire Company Chief in whose area the facility is located.
- (viii) That a lock box or keyed access to the facility be made available to all emergency response personnel.
- (ix) That the area permitted for this operation shall be limited to the use of three (3) truck docks; two for deliveries and one for placement of a transport trailer with no right of expansion. Further, the operator shall not be permitted to place more than one transport trailer on site.
- (x) That a windsock be installed on site to reflect wind direction.
- (xi) That security, monitoring and alarm devices for detecting (a) fire and/or smoke whether occasioned by a reaction due to leakage, spillage or otherwise, and (b) any unauthorized access shall be installed in the building and the storage trailer. Said security, monitoring and alarm devices in both the building and trailer to be centrally monitored twenty-four (24) hours per day, seven (7) days per week.
- (xii) That all loading docks at the building be at a height to accept deliveries from trucks and storage placement in the trailer so as to minimize the danger of falling containers.
- (xiii) That such a proposed facility shall be subject to SEQR review.
- (xiv) That a safety mechanism be installed to secure the office area and personnel from the storage area in the event of a leak or spill.
- (xv) That no washing of trailers shall be permitted on site.
- (xvi) That no wash down of the building facility shall be permitted unless all water runoff is fully contained and disposed of as directed by the Town of Lancaster's Disaster Coordinator.
- (xvii) That loading dock bumpers be installed to ensure a sealed connection between the transport and delivery trucks to the loading platform within the facility.
- (xviii) That a chain link fence with barbed wire be installed to enclose the parking area utilized by any transport vehicles and/or trailers.

- (xix) That the operator make available, in the manner best determined by the Town’s Disaster Coordinator, a complete manifest of all materials present on site at all times and the exact location of such materials.
- (xx) That there be installed in any floor drains and exterior storm water drains and catch basins an absorbent material or “sponge” designed to prevent any accidental spillages from entering the drainage system.
- (xxi) That any materials independently packaged that may be reactive with each other must be stored apart from each other at distances and with additional security precautions as may be required by the NYS DOT and NYS DEC.
- (xxii) That in no event shall any hazardous materials of the following categories be permitted at this location:
 - 1) biological materials
 - 2) radioactive materials
 - 3) explosive materials
- (xxiii) That closure of such a facility shall be done by the submission of detailed plans at least ninety (90) days prior to the plan date for closure to the Town of Lancaster which plans shall include the proposed closure date of the facility and the plan for removal of materials and clean up of the site. A performance bond of one million dollars (\$1,000,000.) shall be posted upon approval of the site and shall remain in effect until such time as the Town Board is satisfied that the closure of the facility has been completed in strict conformance with the plan approved by the Town Board.

CHAPTER 50 - ZONING

- 2. Section 50-20. Commercial and Motor Service District (CMS)., of Chapter 50, Zoning, of the Code of the Town of Lancaster shall be amended by adding thereto the following:

Section 50-20. Commercial and Motor Service District (CMS)

.....

B. Permitted uses.

(1) Principal structures and uses.

.....

(e) The storage as permitted in this zoning classification shall not include the storage of any waste regulated by the NYS DEC.

July 6, 2004

STATE OF NEW YORK :
COUNTY OF ERIE : ss:
TOWN OF LANCASTER:

This is to certify that **I, JOHANNA M. COLEMAN**, Town Clerk of the Town of Lancaster in the said County of Erie, have compared the foregoing copy of an Ordinance Amendment with the original thereof filed in my office at Lancaster, New York, on the 6th day of July, 2004, and that the same is a true and correct copy of said original, and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town this 6th day of July, 2004.

(SEAL)

Johanna M. Coleman, Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY

WHEREAS, the Town of Lancaster was awarded a COPS in Schools grant from the United States Justice Department, and

WHEREAS, award of this grant will enable the Town to hire one full-time police officer to be assigned to the Lancaster Central School District for the purpose of implementing community policing techniques to affect change and improve communication with students, and

WHEREAS, the Town and Village of Lancaster agreed to a police hiring moratorium during police merger negotiations and initial formation of the merged police departments which has since expired, and

WHEREAS, the COPS in Schools CIS Grant #2000SHWWX0426 expired March 31, 2004, and

WHEREAS, the Town intends to hire a police officer to fulfill the requirements of the COPS in Schools grant at its meeting on or before August 2, 2004 pending favorable determination by the United States Justice Department as to the Town Police Department's base sworn strength.

NOW, THEREFORE BE IT

RESOLVED, that the Town of Lancaster hereby formally requests the United States Justice Department to extend the COPS in Schools CIS Grant #2000SHWWX0426 to enable the Town Board to hire a police officer at its meeting on or before August 2, 2004 for the purpose of fulfilling the terms of the COPS in Schools grant and in accordance with requirements for the newly hired officer to attend the August 2004 police officer training academy, and

BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute all documents pertaining to the application and acquisition of said extension.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

July 6, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER AMATURA TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid from their respective accounts as per abstract to be filed in the Office of the Town Clerk by the Director of Administration and Finance, to wit:

Claim No. 9536 to Claim No. 9734 Inclusive

Total amount hereby authorized to be paid: \$122,462.48

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

July 6, 2004

File: Rclaims

THE FOLLOWING RESOLUTION WAS OFFERED
 BY COUNCIL MEMBER MONTOUR, WHO
 MOVED ITS ADOPTION, SECONDED BY
 COUNCIL MEMBER RUFFINO TO WIT:

RESOLVED that the following Building Permit applications be and are hereby reaffirmed:

CODES:

(SW) = Sidewalks as required by Chapter 12_1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

(V/L) = Village of Lancaster

NEW PERMITS:

11977	Kolacz, Richard	266 Central Ave	Er. Shed	(V/L)
11978	Heimbueger, Philip	1872 Como Park Blvd	Er. Deck	(V/L)
11979	Leisurewood Design	15 Hampton Ct	Er. Deck	
11980	Capital Fence Co.	149 N Maple Dr	Er. Fence	
11981	Composite Tech Decks	7 Ann Marie Dr	Er. Deck	
11982	Town Of Lancaster IDA	6615 Transit Rd	Er. Comm. Alt.	
11983	Oneida Sales & Service	35 Quail Run Ln	Er. Fence	
11984	Gove, Helen	167 Fourth Ave	Er. Fence	(V/L)
11985	Economy Tree Service	177 Laverack Ave	Dem. Garage	(V/L)
11986	All Town Pools	36 Summerfield Dr	Er. Pool_Abv Grnd	
11987	Becht, Catherine	113 Richmond Ave	Er. Fence	(V/L)
11988	Golubski, Mark	824 Ransom Rd	Er. Shed	
11989	Samoe Recreation	5077 Transit Rd	Er. Sign_Temp	
11990	Rich Pools	40 Grant St	Er. Pool_Abv Grnd	(V/L)
11991	Walgate, Mark	54 Woodlawn Ave	Er. Shed	(V/L)
11992	Blachowicz, James	30 Trentwood Trl N	Er. Deck	
11993	Sanita, Anthony	18 Candice Ct	Er. Deck	
11994	Lesniak, Richard	26 Parkedge Dr	Er. Fence	
11995	Winkowski, Walter	24 Parkedge Dr	Er. Fence	
11996	Premier Fence Co	18 Farmview Ct	Er. Fence	
11997	Buchert, Joseph	57 Fifth Ave	Er. Deck	(V/L)
11998	Bataglia Demolition	184 Central Ave	Dem. Building	(V/L)
11999	Duro_Shed Inc	644 Harris Hill Rd	Er. Shed	
12000	Iroquois Fence Inc	61 Trentwood Trl N	Er. Fence	
12001	Beebe, Marc	105 Peppermint Rd	Er. Garage	
12002	Rich Pools Inc	428 Aurora St	Er. Pool_Abv Grnd	
12003	Schuster Construction	9 Running Brook Dr	Er. Res. Add.	
12004	Iroquois Fence Inc	289 Enchanted Forest N	Er. Fence	
12005	Notaro, Mark	37 Cedar Brook Dr	Er. Fence	
12006	HD Unlimited Inc	27 Riemers Ave	Er. Pool_Abv Grnd	

12007	Sealing Devices Inc	4400 Walden Ave	Er. Sign	
12008	C. Tucker Homes	13 Heathrow Ct	Er. Dwlg._Sin.	
12009	Duro Shed Inc	4978 William St	Er. Shed	
12010	Tracy, Robert Jr	5 Via Tripodi	Er. Pool_Abv Grnd	
12011	Malone, Tammie	65 Laverack Ave	Er. Fence	(V/L)
12012	Majestic Pools Inc	25 Arrow Trl	Er. Pool_In Grnd	
12013	Majestic Pools Inc	25 Arrow Trl	Er. Fence	
12014	Grabenstatter, Gregg	26 Haskell Dr	Er. Deck	
12015	Deck Solutions	60 Pheasant Run Ln	Er. Deck	
12016	Marrano/Marc Equity Co	14 Ashwood Ct	Er. Dwlg _Sin.	
12017	All Craft Inc	6 Via Donato W	Er. Deck	
12018	Marasciulo, Richard	3 Katelyn Ln	Er. Shed	
12019	Schmarder, Michael	28 Katelyn Ln	Er. Shed	
12020	Dwigun, Jerome	38 Partridge Walk	Er. Gazebo	
12021	Colley's Pool Sales Inc	45 Hillside Pky	Er. Pool_In Grnd	
12022	Colley's Pool Sales Inc	9 Park Walk	Er. Pool_In Grnd	
12023	Colley's Pool Sales Inc	29 Quincy Ave	Er. Pool_In Grnd	(V/L)
12024	Colley's Pool Sales Inc	29 Quincy Ave	Er. Fence	(V/L)
12025	Muscarella, Roseann	31 Colonial Ave	Er. Pool_In Grnd	(V/L)
12026	Muscarella, Roseann	31 Colonial Ave	Er. Fence	(V/L)
12027	Fisher, Joseph	9 Sixth Ave	Er. Deck	(V/L)
12028	Lovejoy Builders Inc	4 Ann Marie Dr	Er. Dwlg._Sin.	
12029	Augustine, Taite	161 Schwartz Rd	Dem./Er. Dwlg.	
12030	Wargula, John	450 Lake Ave	Er. Garage	
12031	Walker, John	18 Taft Ave	Er. Res. Add.	
12032	Dimarco Const. LLC	4835 Transit Rd	Er. Comm. Bldg.	
12033	O'Leary Daniel	27 Creekwood Dr	Er. Deck	
12034	Custom Patio Rooms	54 Woodgate Dr	Er. Res. Add.	
12035	Skalski, William	5152 William St	Er. Shed	
12036	Chilelli, Louis	26 Grafton Ct	Er. Fence	
12037	Town of Lancaster IDA	4845 Transit Rd	Er. Sign_Temp	
12038	Christopher, Daniel	19 Tanglewood Dr	Er. Fence	
12039	Anderson, Rebecca	493 Lake Ave	Er. Res. Alt.	
12041	Czapla, Ronald	200 St Marys St	Er. Deck	(V/L)
12042	Ciccarelli, Christopher	825 Erie St	Er. Shed	
12043	Mock, Douglas	8 Trentwood Trl	Er. Shed	

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

July 6, 2004
File: Rbldg2

COMMUNICATIONS & REPORTS:

332. Village of Lancaster to Town Board -
Official minutes of meeting held May 24, 2004. DISPOSITION = Received & Filed
333. General Crew Chief to Supervisor -
Request resolution to appoint Janice Korzeniewski Recreation Attendant part-time.
DISPOSITION = Resolution 7/6/04
334. Town Clerk to Town Board -
Application for Special Use Permit for Ed Henning Inc, 911 Ransom Road.
DISPOSITION = Resolution 7/6/04
335. NYS DOT to Highway Superintendent -
Letter regarding CHIPS funding and application for 2004 - 2005 funding year.
DISPOSITION = Town Attorney & Highway Superintendent
336. Erie County Legislator Denise E. Marshall to Supervisor -
Asks the Town Board to pass a resolution memorializing the NYS Legislature to enact creative solutions addressing the rising cost of Medicaid to local county governments. DISPOSITION = For Resolution
337. Bella Vista to Supervisor, Town Board -
Comments regarding proposed Waste Storage Law. DISPOSITION = Received & Filed
338. Village of Lancaster to Town Board -
Letter regarding downtown parking for the period of July 1st, 6:00 PM to July 5th, 6:00 AM. DISPOSITION = Received & Filed
339. Gary L. Winkler to Town Board -
Letter of commendation to Town Highway Department. DISPOSITION = Received & Filed
340. NYS DEC to Lafarge North America -
Notice of renewal of mining permit for Pavement Road East Gravel Pit.
DISPOSITION = Received & Filed

341. Supervisor to Town Board -
Recommends adoption of resolution to accept dedication of two areas in Cross Creek Subdivision. DISPOSITION = Resolution 7/6/04
342. General Crew Chief to Supervisor -
Request appointments to position of seasonal employees for summer of 2004 in Parks & Recreation Dept. DISPOSITION = Resolution 7/6/04
343. Timothy McGowan to Town Board -
Request waiver of 30 day waiting period for issuance of liquor license.
DISPOSITION = Resolution 7/6/04
344. Town of Clarence to Town of Lancaster -
Notice of intention to adopt a local law that would amend the Town's Zoning Ordinance in accordance with the Town's adopted Comprehensive Plan.
DISPOSITION = Received & Filed
345. Erie County Department of Health to Supervisor -
Grants an extension of time for construction of waterlines for portions of Fairway Hills Subdivision, Phase 1. DISPOSITION = Town Attorney
346. Adelphia Cable to Supervisor -
Transmittal of updates for cable subscribers. DISPOSITION = Received & Filed
347. Erie County Div. Of Budget, Management & Finance to Assessor -
Transmittal of various dates for required filings with Erie County Real Property Tax Department. DISPOSITION = Received & Filed
348. Chairman, Lancaster Industrial Development Agency to Supervisor -
Notification of Public Hearing to be held July 22, 2004 at 4 P.M. in the Town Hall regarding ESRI-BUFFALO DC, LLC project. DISPOSITION = Received & Filed
349. West Valley Citizen Task Force to Supervisor -
Request support for resolution which states that all waste be stored above ground until it can be permanently disposed. DISPOSITION = Received & Filed

ADJOURNMENT:

**ON MOTION OF COUNCIL MEMBER AMATURA, SECONDED BY
COUNCIL MEMBER MONTOUR AND CARRIED**, the meeting was adjourned at
10:05 P.M. in memory of Leo Warrington, Sr.

Signed _____
Johanna M. Coleman, Town Clerk